



General Assembly

January Session, 2003

Amendment

LCO No. 6251

HB0510006251HR0

Offered by:

REP. DELGOBBO, 70th Dist.

To: Subst. House Bill No. 5100

File No. 649

Cal. No. 180

"AN ACT CONCERNING THE MEDICAL USE OF MARIJUANA."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 21a-246 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2003*):

6 (a) No person within this state shall manufacture, wholesale,
7 repackage, supply, compound, mix, cultivate or grow, or by other
8 process produce or prepare, controlled substances without first
9 obtaining a license to do so from the Commissioner of Consumer
10 Protection and no person within this state shall operate a laboratory
11 for the purpose of research or analysis using controlled substances
12 without first obtaining a license to do so from the Commissioner of
13 Consumer Protection, except that such activities by pharmacists or
14 pharmacies in the filling and dispensing of prescriptions, or activities
15 incident thereto, or the dispensing or administering of controlled

16 substances by dentists, podiatrists, physicians [,] or veterinarians, or
17 other persons acting under their supervision, in the treatment of
18 patients shall not be subject to the provisions of this section, and
19 provided laboratories for instruction in dentistry, medicine, nursing,
20 pharmacy, pharmacology and pharmacognosy in institutions duly
21 licensed for such purposes in this state shall not be subject to the
22 provisions of this section except with respect to narcotic drugs and
23 schedule I and II controlled substances. Upon application of any
24 physician licensed pursuant to chapter 370, the Commissioner of
25 Consumer Protection shall, without unnecessary delay, license such
26 physician to possess and supply marijuana for [the treatment of
27 glaucoma or the side effects of chemotherapy] medical use, as defined
28 in section 21a-253, as amended by this act. No person [without] outside
29 this state shall sell or supply controlled substances within [the] this
30 state without first obtaining a license to do so from the Commissioner
31 of Consumer Protection, provided no such license shall be required of
32 a manufacturer whose principal place of business is located outside
33 [the] this state and who is registered with the federal Drug
34 Enforcement Agency or other federal agency, and who files a copy of
35 such registration with the appropriate licensing authority under this
36 chapter.

37 Sec. 2. Section 21a-253 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2003*):

39 (a) For the purposes of this section, "medical use" means the
40 acquisition, possession or use of marijuana or paraphernalia relating to
41 marijuana, pursuant to a prescription made in accordance with the
42 provisions of section 21a-249 by a physician licensed under the
43 provisions of chapter 370 and further authorized by subsection (a) of
44 section 21a-246, as amended by this act, to alleviate the symptoms or
45 effects of (A) cancer, glaucoma, positive status for human
46 immunodeficiency virus or acquired immune deficiency syndrome, or
47 the treatment of any such conditions, including, but not limited to,
48 chemotherapy, or (B) a chronic or debilitating disease or medical
49 condition, or the treatment thereof, that produces one or more of the

50 following: (i) Cachexia or wasting syndrome; (ii) severe pain; (iii)
51 severe nausea; (iv) seizures, including, but not limited to, those
52 characteristic of epilepsy; or (v) severe and persistent muscle spasms,
53 including, but not limited to, those characteristic of multiple sclerosis
54 or Crohn's disease.

55 (b) Any person may possess or have under [his] such person's
56 control a quantity of marijuana less than or equal to that quantity
57 supplied [to him] pursuant to a prescription made in accordance with
58 the provisions of section 21a-249 by a physician licensed under the
59 provisions of chapter 370 and further authorized by subsection (a) of
60 section 21a-246, as amended by this act, by the Commissioner of
61 Consumer Protection to possess and supply marijuana for [the
62 treatment of glaucoma or the side effects of chemotherapy] medical
63 use.

64 (c) In any prosecution involving marijuana or paraphernalia relating
65 to marijuana under this chapter, the medical use of such marijuana
66 shall be an affirmative defense."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>